

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2202646
Decision Date:	7/19/2022	Hearing Date:	07/11/2022
Hearing Officer:	Susan Burgess-Cox		

Appearance for Appellant:

Pro se

**Appearance for MassHealth Integrated
Care Organization (ICO):**

Cassandra Horne, Jessica Medeiros &
Kaley Emery



*The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, Quincy, Massachusetts 02171*

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Prior Authorization
Decision Date:	7/19/2022	Hearing Date:	07/11/2022
ICO's Reps.:	Cassandra Horne et. al.	Appellant's Rep.:	Pro se
Hearing Location:	All Parties Appeared by Telephone		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Through a notice dated February 3, 2022, Commonwealth Care Alliance, (CCA), a MassHealth-contracted Integrated Care Organization (ICO), denied a Level 1 Appeal regarding the surgical placement of an implant body: endosteal implant for tooth # 3/5/12/14/19 because the service was not medically necessary. (Exhibit 1). CCA notes that medical necessity means you reasonably need the services to prevent, diagnose, or treat a medical condition. The notice also states that medical necessity means there is no other similar, less expensive service that is suitable for you. (Exhibit 1).

The appellant filed this external appeal of the final decision of the ICO on April 6, 2022. (130 CMR 610.018; Exhibit 2). The Board of Hearings accepted the appeal as timely as MassHealth implemented new protocols to support public health efforts for both new MassHealth members and existing members that include providing individuals up to 120 days, instead of the standard 30 days, to request a fair hearing. (130 CMR 610.015; Eligibility Op. Memo 20-09; Exhibit 2). However, on

April 12, 2022, the Board of Hearings dismissed the appeal as the appellant did not demonstrate that there was an appealable action. (130 CMR 610.035; Exhibit 3). The appellant was provided the opportunity to request that the Board of Hearings vacate the dismissal by providing an entire copy of the notice that prompted the appeal. (130 CMR 610.015; 130 CMR 610.035; 130 CMR 610.048; Exhibit 3).

On May 27, 2022, the Board of Hearings received a copy of the notice on appeal. (Exhibit 1). The Board of Hearings accepted this documentation as timely and vacated the dismissal, as it was still within the 120 days allowed under the new protocols to request a hearing. (130 CMR 610.048; Eligibility Op. Memo 20-09; Exhibit 4). Through a notice dated June 10, 2022, the Board of Hearings scheduled a hearing for July 11, 2022. (Exhibit 4).

A decision of an ICO to “deny or provide limited authorization of a requested service, including the type or level of service, including determinations based on the type or level of service, requirements for medical necessity, appropriateness, setting, or effectiveness of a covered benefit” is valid grounds for appeal. (130 CMR 610.032(B)).

Action Taken by the Integrated Care Organization

The MassHealth-contracted Integrated Care Organization, Commonwealth Care Alliance (CCA), denied the appellant's prior authorization request for the surgical placement of an implant body: endosteal implant for tooth number 3/5/12/14/19.

Issue

Whether Commonwealth Care Alliance (CCA) was correct in denying the appellant's prior authorization request for the surgical placement of an implant body: endosteal implant for tooth number 3/5/12/14/19.

Summary of Evidence

On November 15, 2021, Commonwealth Care Alliance (CCA), a MassHealth Integrated Care Organization (ICO) received a prior authorization request for an implant on tooth number 3, 5, 6, 11, 12, 14 and 19. (Testimony; Exhibit 5). On November 17, 2021, CCA approved coverage for an implant on tooth number 6

and 11 and denied coverage for an implant on tooth number 3,5,12,14 and 19. (Testimony; Exhibit 5). CCA denied this request as it was not a covered code for each tooth. (Testimony; Exhibit 5).

On January 28, 2022, the appellant filed a verbal request for a standard 30-day appeal with CCA. (Testimony; Exhibit 5). On January 31, 2022, CCA notified the appellant of the right to submit additional documentation that may affect the outcome of the appeal. (Testimony; Exhibit 5). On February 3, 2022, CCA issued a notice denying the Level 1 appeal, informing the appellant of the right to file an appeal with the Board of Hearings. (Testimony; Exhibit 1; Exhibit 5).

As an ICO, CCA is responsible for providing enrolled members with the full continuum of Medicare- and MassHealth covered services. MassHealth does not cover implants of any type or description. As an ICO, CCA can provide more to members than MassHealth allows, but not less. CCA does cover implants with certain limitations including: a maximum of 2 implants per arch when needed to support a complete lower or upper denture or one per lifetime per tooth allowed to replace 1 missing anterior tooth when no other teeth are missing, excluding wisdom teeth. (Testimony; Exhibit 5). The teeth covered are #6-11 and #22-27. (Testimony; Exhibit 5). The appellant's request was for an implant on tooth number 3, 5, 6, 11, 12, 14 and 19. (Testimony; Exhibit 1; Exhibit 5). The CCA representative noted that while CCA would not cover an implant for tooth number 3,5,12, 14 or 19, CCA could cover an alternative, less costly treatment such as a denture. CCA approved coverage for implants on tooth number 6 and 11 as those implants are needed to support a complete upper denture.

The appellant testified that he had jaw surgery in 2010 to correct a severe underbite and still has complications with his bite. The appellant testified that he currently has a temporary denture and his teeth rock back and forth. The appellant felt that he would be able to eat and chew better if he had something more solid than a denture. The appellant testified that the dentures cause choking and the implants would provide a better structure.

The CCA representative responded that the approval of an implant on tooth number 6 and 11 was to provide support to a full denture and help prevent gagging.

Findings of Fact

Based on a preponderance of the evidence, I find the following:

1. On November 15, 2021, Commonwealth Care Alliance (CCA), a MassHealth Integrated Care Organization (ICO) received a prior authorization request for an implant on tooth number 3, 5, 6, 11, 12, 14 and 19.
2. On November 17, 2021, CCA approved coverage for an implant on tooth number 6 and 11.
3. CCA denied coverage for an implant on tooth 3, 5, 12, 14 and 19.
4. On January 28, 2022, the appellant filed a verbal request for a standard 30-day appeal with CCA.
5. On February 3, 2022, CCA issued a notice denying the Level 1 appeal.
6. MassHealth does not cover implants of any type or description.
7. As an ICO, CCA can provide more to members than MassHealth allows, but not less.
8. CCA covers a maximum of 2 implants per arch on tooth #6-11 and #22-27 when needed to support a complete lower or upper denture.

Analysis and Conclusions of Law

As a MassHealth ICO, CCA will authorize, arrange, integrate, and coordinate the provision of all covered services for the member. (130 CMR 508.007). Upon enrollment, the ICO is required to provide evidence of its coverage, the range of available covered services, what to do for emergency conditions and urgent care needs, and how to obtain access to specialty, behavioral health, and long-term services and supports. (130 CMR 508.007).

CCA is responsible for providing enrolled members with the full continuum of Medicare- and MassHealth covered services. (130 CMR 450.105). Those services include dental services governed by the regulations at 130 CMR 420.000. As an ICO, CCA can provide more to members than MassHealth allows but not less.

MassHealth pays only for medically necessary services to eligible MassHealth members and may require that medical necessity be established through the prior authorization process. (130 CMR 420.410(A)(1)).

A service is "medically necessary" if:

- (1) it is reasonably calculated to prevent, diagnose, prevent the worsening of, alleviate, correct, or cure conditions in the member that endanger life, cause suffering or pain, cause physical deformity or malfunction, threaten to cause or to aggravate a handicap, or result in illness or infirmity; and
- (2) there is no other medical service or site of service, comparable in effect, available, and suitable for the member requesting the service, that is more conservative or less costly to MassHealth. (130 CMR 450.204(A)).

MassHealth does not cover implants of any type or description. (130 CMR 420.421(B)(5)). CCA covers implants with certain limitations including only authorizing them for the following teeth: #6-11 and #22-27. The appellant's request was for an implant on tooth number 3, 5, 6, 11, 12, 14 and 19. CCA approved coverage for an implant on tooth number 6 and 11.

Neither the MassHealth regulations nor the CCA provider manual authorize coverage for an implant on tooth number 3, 5, 12, 14 or 19. Additionally, the appellant did not present any evidence to demonstrate that a less costly alternative would not be suitable. (130 CMR 450.204(A)).

The decision made by the ICO was correct.

This appeal is denied.

Order for MassHealth Integrated Care Organization

None.

Notification of Your Right to Appeal to Court

If you disagree with this decision, you have the right to appeal to Court in accordance with Chapter 30A of the Massachusetts General Laws. To appeal, you must file a complaint with the Superior Court for the county where you reside, or Suffolk County Superior Court, within 30 days of your receipt of this decision.

Susan Burgess-Cox
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: ICO Commonwealth Care Alliance, Attn:
Cassandra Horne, 30 Winter Street, Boston, MA 02108